## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

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§	Civil Action No. 4:16-cv-03569
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## PLAINTIFF'S SECOND NOTICE OF NEW AUTHORITY

Plaintiff respectfully submits this Second Notice of New Authority to bring to the Court's attention another recent decision granting motion to remand claims arising under the Securities Act of 1933 (the "1933 Act") to state court.

On July 17, 2017, the Honorable Robert W. Pratt remanded a 1933 Act class action to Iowa state court in *Christians v. KemPharm, Inc.*, No. 3:17-cv-00002 (S.D. Ia.) (opinion attached hereto as Exhibit A). In addition to finding that remand was appropriate, the court expressed (at n.6) that it was "compelled to decide the motion before it at this time[,]" even though the Supreme Court could potentially resolve the issue in *Cyan Inc. v. Beaver Cty. Emps. Ret Fund.* (15-1439).

DATED: July 20, 2017.

Respectfully submitted,

/s/ Thomas E. Bilek

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#### **CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was filed via the District CM/ECF system on July 20, 2017, which caused an electronic copy of same to be served automatically upon all counsel of record.

/s/ Thomas E. Bilek

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